

DEPARTMENT OF HEALTH
NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)(2007 Repl.)) (Act), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to chapter 65 (Pharmacists) of Title 17 of the District of Columbia Municipal Regulations (DCMR).

These amendments allow pharmacists that are registered by the Board to administer immunizations and vaccinations to immunize and vaccinate any person age twelve (12) and older with parental consent or valid identification if eighteen (18) or older if the protocol is expressly limited to only the following types of vaccinations: Hepatitis, Shingles, Human Papillomavirus, Tetanus, Tdap, Meningococcal, Haemophilus influenzae, pneumococcal, and influenza vaccinations, including but not limited to H1N1 and other epidemic vaccinations which are then currently called for by the World Health Organization or the Center for Disease Control at the time of the vaccination.

These rules were previously published in the *D.C. Register* as proposed rulemaking on February 17, 2012, at 59 DCR 1262. One written comment was received from the public in connection with this notice during the thirty (30) day comment period. The comment was from the National Association of Chain Drug Stores in support of the regulations. No changes were requested and no changes have been made to the proposed rulemaking.

The Department took final rulemaking action on April 5, 2012. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Section 6512 (Administration of Immunizations and Vaccinations By Pharmacists) of chapter 65 (Pharmacists) of title 17 (Business, Occupations, and Professions) is amended as follows:

Subsection 6512.7(c)(6) is amended to read as follows:

- (6) Any person age twelve (12) and older with parental consent or valid identification if eighteen (18) or older if the protocol is expressly limited to only the following types of vaccinations: Hepatitis, Shingles, Human Papillomavirus, Tetanus, Tdap, Meningococcal, Haemophilus influenzae, pneumococcal, and influenza vaccinations, including but not limited to H1N1 and other epidemic vaccinations which are then currently called for by the World Health Organization or the Center for Disease Control at the time of the vaccination; and

Subsection 6512.7(g) is amended to read as follows:

- (g) A statement that describes the content of, and the appropriate mechanisms for the pharmacist to report the administration of immunizations and vaccinations to both the patient's primary physician, if applicable and sufficiently identified by the patient, and to the physician issuing the written protocol, if not the same person, within the time frames specified in the protocol; which shall include providing the physician(s) with a copy of the following records:
- (1) The name, address, gender, allergies, and date of birth of the individual receiving the immunization or vaccination;
 - (2) The date of administration;
 - (3) The route and site of the immunization or vaccination;
 - (4) The name, dose, manufacturer's lot number, and expiration date of the vaccine;
 - (5) The name of the pharmacist administering the immunization or vaccination; and
 - (6) Any adverse events encountered.

Subsections 6512.9 and 6512.10 are amended to read as follows:

- 6512.9 Except as provided in § 6512.10, a pharmacist certified by the Board to administer immunizations and vaccinations shall not administer an immunization or vaccination to any individual younger than twelve (12) years old and must obtain acceptable proof of age before administration.
- 6512.10 A pharmacist certified by the Board to administer immunizations and vaccinations shall only administer an immunization or vaccination to an individual under the age of twelve (12) upon a referral from a physician who has an established physician-patient relationship with the patient.

Subsection 6512.13 is amended to read as follows:

- 6512.13 Every patient receiving an immunization or vaccination by a pharmacist certified to do so, shall be provided with:
- (a) A current vaccine information statement; and
 - (b) A copy of the administration records required in § 6512.7(g).

Subsection 6512.17(f) is amended to read as follows:

- (f) The date on which the vaccination or immunization information was reported to the delegating physician and to the primary care physician, if applicable;

Subsection 6512.21 is amended to read as follows:

- 6512.21 The administering pharmacist shall report any adverse event, which occurs in connection with or related to an administration to:
- (a) The Department of Health's Pharmaceutical Control Division within forty-eight (48) hours after discovery of the occurrence; and
 - (b) The Director of the Department of Health as required under the District's Mandatory Adverse Event Reporting law and regulations in D.C. Official Code § 7-161 (2011 Supp.) and 17 DCMR § 4017.4.